

34-46-202 Use of information collected in initial selection process.

- (1)
- (a) An employer may not:
 - (i) use information about an applicant obtained through an initial selection process for a purpose other than to determine whether or not the employer will hire the applicant as an employee; or
 - (ii) except as provided in Subsection (2), provide information about an applicant obtained through an initial selection process to a person other than the employer.
 - (b) A use prohibited under this Subsection (1) includes:
 - (i) marketing;
 - (ii) profiling;
 - (iii) reselling of the information; or
 - (iv) a similar use.
- (2) Notwithstanding the other provisions of this section, an employer may provide information:
- (a) as required by law;
 - (b) to a government entity for the purpose of:
 - (i) determining eligibility for a government service, benefit, or program; or
 - (ii) participating in a government service, benefit, or program;
 - (c) if the applicant applies for another position with the employer; or
 - (d) if the applicant becomes an employee and the information is used for one or more of the following, that is also applied to other employees in a similar position:
 - (i) a performance review; or
 - (ii) a promotion application.

Amended by Chapter 2, 2009 Special Session 1

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